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APPLICATION NO. 25/488,610	FILING DATE 05/07/95	FIRST NAMED INVENTOR MORTON	ATTORNEY DOCKET NO. M 1514
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EXAMINER AMBEERY, W
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ART UNIT 2387	PAPER NUMBER
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DATE MAILED:

07/08/97

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

*See attached action*

# Office Action Summary

Application No.  
**08/480,618**

Applicant(s)  
**Marion**

Examiner  
**Wayne Amsbury**

Group Art Unit  
**2307**



☒ Responsive to communication(s) filed on Feb 6, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 2-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 10-12 is/are allowed.

☒ Claim(s) 2-9, 13, and 14 is/are rejected.

☒ Claim(s) 15-20 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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CLAIMS 2-20 ARE PENDING

1. Claim 4 recites the limitation ""said application said program"" in line 6. There is insufficient antecedent basis for this limitation in the claim.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 2 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by virtually any computerized method of sorting published prior to 6/7/94.

4. Claims {2-3,13-14} are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Archer et al, USP 5,487,628, Method and Apparatus for Dynamic Invocation of Utilities.

5. Claims 10-12 are allowed.

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6. The following is an examiner's statement of reasons for allowance:

In claim 10, the combination of “create a resource list” in line 6 and the use of the term “first accessed” in line 8 is taken to mean that the application program of the claims can access the elements of the file in arbitrary order, and that this order is recorded in the resource list. As described in the specification in the SUMMARY OF INVENTION beginning at page 2 line 24, this list is appended to the first file and the result used to create a second file stored in the order determined by the resource list. A system comprising this sequence of elements is not anticipated nor suggested by the prior art of record.

Claims 11-12 are allowed as further limiting claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Claims {15-20} are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. Claims {4-9} are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takeda et al, USP 4,760,526, Method for Storing Data Into a File Device and for Data Retrieval.

Vander Vegt et al, USP 5,193,207, Link Sorted Memory.

Ferguson et al, USP 5,274,805, Method of Sorting and Compressing Data.

Archer et al, USP 5,414,842, External Sorting Using Virtual Storage as a Work Device.

Robinson et al, USP 5,592,669, File Structure for a Non-Volatile Block-Erasable Semiconductor Flash Memory.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is (703) 305-3828. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 5:00 PM Eastern time.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached on (703) 305-9707. The fax phone number for this Art Unit is (703) 305-9731.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER  
GROUP 2300  
July 2, 1997